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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,229	07/02/2003	Kevin W. HARRIS	7298.048.CNUS01	1228
28694 7590 09/12/2007 NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW SUITE 1000 WEST TOWER WASHINGTON, DC 20005			EXAMINER SKURDAL, COREY NELSON	
			ART UNIT 3782	PAPER NUMBER
			MAIL DATE 09/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,229	HARRIS, KEVIN W.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Corey N. Skurdal	3782	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBoeuf (US 2,109,571) in view of Hill (US 5,458,268).

Regarding claims 1, 5, 16, and 17 LeBoeuf discloses the invention substantially as claimed including an anchor assembly comprising a pair of spaced apart connecting members (21/22) adapted to be attached to a cargo carrier body (see proximate lead line 15) and a spanning member (26) wherein at least one of the connecting members is adapted to "accommodate fixation of the spanning member" and wherein the spanning member is "configured to accept" a movable securement member (see lead lines 27 and 28) as claimed. The carrier body in Boeuf is further adapted for engagement with a roof rack (see proximate lead lines 16-20) on the vehicle as claimed. The carrier of LeBoeuf does not have a stationary securement member attached to said connection member for connection under tension as claimed. However, Hill teaches a cargo carrier having stationary securement members 112 connected to two connecting members 42/44 through a slotted aperture (see Figure 2, proximate lead line 112). It would have been obvious to provide the connecting members of LeBoeuf with a stationary

securement member as taught by Hill in order to further secure the carrier to the vehicle.

Regarding claims 2, 4, and 16, see lead lines 27 and 28.

Regarding claims 3, 16, see the stationary securement member as taught by Hill (lead line 112).

Regarding claims 6 and 17, modified LeBoeuf discloses the claimed invention but does not specially use flexible webbed belting. However, Examiner takes Official Notice that it is old and well known in the art to use flexible webbed belting on roof rack straps. As such, it would have been obvious to one skilled in the art at the time of invention to make the straps of LeBoeuf and Hill from flexible webbed belting in order to make the straps flexible and strong.

Regarding claims 7, 8, 18, and 19, modified LeBoeuf discloses the claimed invention but does not have a first slotted aperture connecting the spanning member and the connecting member, noting that LeBoeuf is silent regarding how the spanning member 26 and connecting members 22 are attached together. However, both LeBoeuf and Hill teach that it is well known to attach two bars together through a fastener extending through a hole in the spanning member and the connecting member. (LeBoeuf see fastener 23 and Hill see lead line 150 in Figure 3). As such, it would have been obvious to connect the spanning member 26 of LeBoeuf to the connecting member 22 through holes and a fastener in order to removably attach them together. In doing so, a first slotted aperture would be located on each connecting member, and would have a longitudinal axis as claimed.

Regarding claims 9, 10, 20, and 21, modified LeBoeuf discloses the invention as claimed, wherein the stationary securement member 112 of Hill is attached to the connecting member of Hill through a second slotted aperture as claimed (see adaptor 106 of Hill).

Regarding claims 11, 13, 22 and 23, see lead line 28.

Regarding claim 12, modified LeBoeuf discloses the claimed invention wherein the end of the connecting member is considered to have an adaptor as claimed.

Regarding claims 14 and 15, see Hill lead line 114.

### ***Response to Arguments***

3. Applicant's arguments with respect to claim 1-23 have been considered but are moot in view of the new ground(s) of rejection. In particular noting that Hill clearly teaches a stationary securement member 112 held under tension.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS 9/4/07

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER